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23 Attorneys for Defendant
24 VENDINI, INC.

25 ST. PAUL FIRE AND MARINE
26 INSURANCE COMPANY, a Connecticut
27 corporation,

28 Plaintiff,

v.

29 VENDINI, INC., a California corporation,

30 Defendant.

31 CASE NO.: 3:13-cv-04458 SI

32 **STIPULATION RE NOTICE OF
33 SETTLEMENT AND [PROPOSED]
34 ORDER**

35 Ctrm: 10
36 Judge: Hon. Susan Illston

1 **TO THE CLERK OF THE COURT AND ALL PARTIES AND THEIR**
2 **RESPECTIVE ATTORNEYS OF RECORD:**

3 **PLEASE TAKE NOTICE** that plaintiff St. Paul Fire and Marine Insurance Company
4 ("St. Paul") and defendant Vendini, Inc. ("Vendini") (together the "Parties"), have agreed to the
5 terms of a conditional settlement.

6 This stipulation is entered into by the Parties by and through their respective counsel of
7 record.

8 **FACTUAL RECITALS**

9 This stipulation is entered into in reference to the following facts:

10 1. The initial pleading in this case was filed on September 26, 2013 [ECF No. 1].
11 2. The current scheduling Order requires the Parties to file motions for summary
12 judgment by February 13, 2015 and sets a hearing for those motions on Friday, March 27, 2015,
13 3. In light of the conditional settlement, the Parties wish to vacate the Friday, March
14 27, 2015 hearing and the associated filing dates.

15 4. The Parties anticipate that it will take 30 days to finalize the settlement paperwork
16 and to provide confirmation of the final settlement to the Court.

17 5. The Parties request that the Court retain jurisdiction until October 15, 2015, in
18 order to allow the terms of the settlement to be effectuated.

19 **STIPULATION**

20 In light of the foregoing facts, the Parties agree that hearing date for the motions for
21 summary judgment, currently on calendar for Friday, March 27, 2015, shall be vacated.

22 **SO STIPULATED.**

23 DATED: February 11, 2015

24 ORRICK, HERRINGTON & SUTCLIFFE LLP

25 By: /s/ Nancy E. Harris
26 Nancy E. Harris
27 Russell P. Cohen
28 Attorneys for
 VENDINI, INC.

1 DATED: February 11, 2015

SEDGWICK LLP

3 By: /s/ Alexander E. Potente

4 Bruce D. Celebrezze

5 Alexander E. Potente

6 Attorneys for

7 ST. PAUL FIRE AND MARINE
INSURANCE COMPANY

8 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

9 **DATED:** _____

10 _____

11 Hon. Susan Illston

12 United States District Judge

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Sedgwick LLP